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LETTER DATED 1 FEBRUARY 1993 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to address you regarding my Government's review of the Report of the Special Commission of Inquiry (S/25130) into the assassination of Mr. Hakija Turajlic, Deputy Prime Minister of the Reublic of Bosnia and Herzegovina, on 8 January 1993 (the "Report"). As a result of the review and for the reasons set forth in greater detail below, I request on behalf of the Presidency of the Republic of Bosnia and Herzegovina that the Security Council take the following actions:

1. Authorize an additional and supplemental investigation headed by an independent body, in cooperation with UNPROFOR and the Government of the Republic of Bosnia and Herzegovina, into the assassination of Deputy Prime Minister Turajlic;

2. Request the Secretary-General to submit a report regarding the never implemented UNPROFOR control on the corridor linking Sarajevo with its airport and the steps currently being undertaken by UNPROFOR to implement such control; and,

3. Issue a Presidential Statement clarifying the mandate of UNPROFOR in accordance with the provisions of Security Council resolution 770 (1992).

The investigation

The investigation of the Special Commission of Inquiry (the "Commission") regarding Deputy Prime Minister Turajlic's assassination was carried out by United Nations officials, rather than by independent experts in criminal investigation. Moreover, the investigation was performed without attention to basic principles of criminal investigations. The Commission did not question numerous important eyewitnesses to the events of 8 January 1993 and, furthermore, its Report fails to address certain important issues related to the incident.

Without question, even the most rudimentary murder investigation involves the interrogation of the suspected murderer and all relevant witnesses to the crime. Despite this elementary rule, the Commission apparently did not attempt to interview either the suspected assassin (whose identity the Report fails to mention) or any of the Serb officers or soldiers participating in the Nedarici roadblock at the time of the assassination.

Moreover, the Commission failed to question the UNPROFOR Serbian Liaison Officer (whose identity again is not contained in the Report), whom Private (First Class) Greener identified in his interview as having entered the APC and as having held discussions with the Deputy Prime Minister.

Additionally, the Commission did not interview any of the UNPROFOR personnel in charge of radio communication or other personnel at the Nedarici checkpoint who may have observed the confrontation.

Finally, the Commission did not interview various persons involved in the two-hour negotiation process that preceded the murder, including the Serbian leadership and the Government of the Republic of Bosnia and Herzegovina.

In light of these omissions in the Commission's investigation, the Commission's finding that the assassination was the work of a lone assassin cannot be accepted as conclusive. Indeed, certain of the evidence contained in the Report could be interpreted as leading to a different conclusion.

Though the Report mentions in several places that the identity of the Deputy Prime Minister was not known, Col. Sartre's 14 January 1993 Memorandum (annexed to the Report as Appendix IV) states that the Serbs at the checkpoint informed Col. Sartre upon his arrival "that the passenger was Mr. Hakija Turajlic ...". Despite this fact, the occupation forces continued to blockade Mr. Turaljic's APC.

Moreover, it appears that the Commission did not sufficiently investigate, and the Report certainly does not adequately address, why four other APCs were allowed to pass the checkpoint while the APC holding the Deputy Prime Minister continued to be detained.

These actions, as well as the refusal of those at the checkpoint to allow the door of the APC to be closed, and the long negotiation process involving several levels of Serbian leadership cause one to seriously question the Commission's findings.

Another important issue that remains unanswered in the Report, is a detailed description of the course of events following the assassination, including a discussion of the failure of UNPROFOR personnel to use their weapons.

We also regret that the emphasis of the Report is that the incident arose largely because UNPROFOR was unaware that its passenger was the Deputy Prime Minister. Clearly UNPROFOR was requested to transport an official delegation

and undertook to do so in a professional manner. By focusing on the apparent lack of knowledge of Mr. Turajlic's identity, the Report unfortunately suggests that UNPROFOR's errors and omissions would have been acceptable had an ordinary citizen or lower level official been killed in the APC.

I submit that the possibility of conflicting interests, the numerous unanswered questions, and the Commission's failure to properly investigate the assassination require the appointment of an independent investigative body, in cooperation with UNPROFOR and the Government of the Republic of Bosnia and Herzegovina, charged with preparing a complete report on the Deputy Prime Minister's murder.

The UNPROFOR Corridor

Paragraphs 26 through 28 of the Report note that UNPROFOR, in accordance with the 5 June 1992 agreement (the "5 June Agreement") signed by, among others, representatives of occupation forces, was to place under its control security corridor linking the airport with Sarajevo. The lack of the control was cited by the Report as a "major contributing factor" to the Deputy Prime Minister's assassination, "which could have been avoided if the above-mentioned agreement had been properly implemented".

Though more than seven months have elapsed since the execution of the 5 June Agreement, such a security corridor has yet to be established. In complete disregard for the 5 June Agreement, the representatives of the occupation forces noted in their statements to the Commission that their Nedarici checkpoint was a "permanent one" (Report at p. 24). Indeed, one should note that even several days after the assassination, the UNPROFOR Military Police came across two military policemen of the occupation forces upon their arrival at, and investigation of, the assassination site.

Based on the continued violations of the 5 June Agreement, the Presidency of the Republic of Bosnia and Herzegovina requests that the Security Council mandate the Secretary-General to immediately prepare and issue a report detailing the reasons for UNPROFOR's failure to establish the security corridor and further detailing the steps currently being undertaken by UNPROFOR to implement the Agreement.

UNPROFOR Mandate

Paragraphs 40 and 43 of the Report conclude that there is a "lack of knowledge and understanding of the mandate and activites of UNPROFOR among the authorities", which contributed to the incident.

In an attempt to alleviate any misinterpretations, we request that a Presidential Statement be issued clarifying that UNPROFOR's mandate, in accordance with Security Council resolution 770 (1992), includes taking "all necessary measures" required to deliver humanitarian assistance. Such clarification would benefit all parties and would help to prevent a repetition of this type of tragic event.

Conclusion

My Government firmly believes that the work of the Commission and its Report has not been adequately completed. The Presidency of the Republic of Bosnia and Herzegovina therefore implores the members of the Council to implement the above requests with all due urgency.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative